

Bath & North East Somerset Council

MEETING:	REGULATORY (ACCESS) COMMITTEE	AGENDA ITEM NUMBER
MEETING DATE:	27 th JANUARY 2005	
TITLE:	Definitive Map Modification Order to add 26 Public Footpaths in Weston ward, Bath	
WARD:	Weston	
AN OPEN PUBLIC ITEM		
LIST OF ATTACHMENTS TO THIS REPORT: Appendix 1 – Plans identifying proposed DMMO routes Appendix 2 - List of Paths included in the research Appendix 3 – List of Consultees and comments received Appendix 4 – Summary of historical evidence		

1 THE ISSUE

- 1.1 This report deals with the evidence relating to 26 alleged public footpaths in Weston ward, Bath and seeks Committee approval to make a Definitive Map Modification Order (DMMO), to record the paths on the Definitive Map and Statement for the City of Bath.

2 RECOMMENDATION

- 2.1 That the Head of Transportation and Highways be granted delegated authority to take all action to make an Order to Modify the Definitive Map and Statement by adding the public footpaths as shown on the plans at Appendix 1, and to confirm the Order if no duly made objections are received to the Order.

3 FINANCIAL IMPLICATIONS

- 3.1 Financial implications are not a relevant consideration which may be taken into account under the provisions of the Wildlife and Countryside Act 1981. The costs associated with making an Order and any subsequent Public Inquiry would be met from the PROW budget.

4. LEGAL FRAMEWORK

4.1 Bath and North East Somerset Council, as Surveying Authority, is under a statutory duty, imposed by Section 53(2) of the Wildlife and Countryside Act 1981, to keep the Definitive Map and Statement of Public Rights of Way under continuous review.

4.2 Section 53(2)(b) states:

“As regards every definitive map and statement, the surveying authority shall:

..... keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event”.

4.3 The ‘events’ referred to in subsection (2) are set out in section 53(3). The event relevant to this report is set out in section 53(3)(c)(i) as follows:

“The discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

“that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist.....”

4.4 Anyone may apply to the Council for an Order to modify the map and statement, and such application must be determined in accordance with the provisions of Schedule 14 of the Act. The Council must also make an Order on its own initiative if it discovers evidence which justifies the making of an Order.

4.5 Documentary evidence is often considered in determining applications for Definitive Map Modification Orders. Section 32 of the Highways Act 1980 states:

"A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced."

5. THE REPORT

Background

- 5.1 In 1957 the City and Waterworks Engineer's Department of Bath City Council completed a survey of public rights of way in the city. The document produced is titled 'Survey of Public Rights of Way: For the Purpose of Part IV of the National Parks & Access to the Countryside Act 1949'. A foot note on the schedule states "All footpaths walked by R.F. Little between June 1st & 30th 1955".
- 5.2 The 1949 Act established that public footpaths and bridleways that were in existence at that time were maintainable at public expense. It is assumed that the paths that were surveyed in 1955 were already in existence in 1949.
- 5.3 No 'official' action was taken on the above Act but the 1957 survey was a fairly comprehensive survey of the footpaths. A 6" scale map was produced showing footpaths within the city boundary. Four of the footpaths in Weston are shown on this map and statement. The map and list produced is available as a background paper.
- 5.4 Minute Item 22 from the Regulatory (Access) Committee Meeting, dated 12th December 2002 granted the Head of Transportation Access and Waste Management delegated authority to produce and consolidate a Definitive Map and Statement for the City of Bath.
- 5.5 The method of research is described in the document 'Definitive Map Plan (Working Document)' which is available as a background paper. The research began in the Weston ward in July 2004.
- 5.6 The City of Bath boundary expanded in 1966 to incorporate newly developed areas into the City. A Definitive Map and Statement had been prepared for the area surrounding Bath in the 1950s and so these additional areas are not included in the scope of this project. The boundary for the project is therefore taken to be the boundary of the City pre-1966.
- 5.7 A convention for classifying paths has been adopted. Whilst not always rigidly applied the following prefixes to a path number normally indicates:

"AQ": the path was recorded on the 1957 Survey, or there is good evidence that the path was in existence at that time, or the path is included in the Council's List of Streets maintainable at public expense.

If a right of way was in existence in 1949, by virtue of the National Parks and Access to the Countryside Act 1949, it became publicly maintainable.

"BQ": Paths established or identified since the 1957 Survey.

"CQ": Other paths identified for research as part of the project. The maintenance liabilities of these paths are unclear. Paths with a 'CQ' prefix have either been

identified by members of the public, from map based research or from a walking survey undertaken around the ward. Some of these paths have been included because a public right of way must start and finish on a highway and documentary evidence shows their existence as a continuance of an 'AQ' or 'BQ' path.

- 5.8 Section 36(6) of the Highways Act 1980 requires every highway authority to make, and keep up to date, a list of streets within its area. The list must contain all footpaths, bridleways and carriageways which are highways maintainable at public expense, whether or not they are shown on the definitive map.
- 5.9 Several of the 'AQ' paths are in two or more distinct parts, each part having been allocated the same reference number during the 1957 Survey. To avoid confusion during research, new numbers were allocated where there was duplication. The consequence of this is that historic information held on file for the path will refer to the old reference number whilst the new number has been used for advertising and consultations. Where applicable, the actual path reference number is listed in brackets. The paths affected are: AQ569 (part of AQ104); AQ559 and AQ560 (both part of AQ16). Any Orders made will be made using the reference number given during the 1957 Survey.
- 5.10 During research, paths were classed as routine or non-routine, as defined in the Bath Definitive Map Plan (Working Copy). Non-routine paths were put aside to be researched at a later date, outside of the scope of this project. A list of all paths included in the research at the beginning of the project is shown at Appendix 2. Only routine paths were included in the consultations with adjacent property holders and the general public. None of the paths consulted on were found to be non-routine.
- 5.11 A new reference number will be allocated to each path that has an Order made and confirmed. The numbering convention complies with British Standards and is described in the document 'Bath Definitive Map Plan (Working Document)'. Where a path has several distinct branches, a different path number will be allocated to each branch. This follows the convention used in the rural areas.

Landowners

- 5.12 Attempts have been made to contact all landowners of land crossed by paths being considered in this report. A list of landowners is available as a background paper.
- 5.13 The majority of the paths in Weston are on land owned by Bath and North East Somerset Council and Somer Community Housing Trust.
- 5.14 A meeting was arranged on 26th October 2004 with Mr Bob Jones, Estate Services Team Manager for Somer Community Housing Trust. He was given a map of the City of Bath showing the paths on land owned by Somer Community Housing Trust.
- 5.15 A Land Registry search was carried out for all paths which are on land not completely owned by the Council or Somer Community Housing Trust.

- 5.16 Five paths are on land which is wholly unregistered and 6 paths are on land which is part unregistered. Where it is not practicable to ascertain the name or address of an owner or occupier, the authority can serve the notice of the making of an Order by affixing it to some conspicuous object(s) on the land. The notice may be addressed to the 'owner' or 'occupier'.
- 5.17 AQ165 crosses a tiny piece of privately owned land. 22 Cranwells Park owns a small section of land at the northern end of the path. From the deeds, it appears as though 21 Cranwells Park owns a tiny section of the verge. Both households received Public Rights of Way Evidence Forms during the consultation with adjacent property holders. Neither household stated that their land was crossed by the path, or indicated that they would object to the path being recorded as a public right of way.

Consultations

Ward Councillors and Interested Groups

- 5.18 In July 2004, the Councillors for Weston were sent a map and list of the paths to be included in the research. They were invited to comment on the list and to add any paths they felt were missing. No additional paths were added and none were removed.
- 5.19 In August 2004, the Councillors for Weston were sent another map showing the paths now classified as routine and non-routine and the reasons behind the classification. The list is shown at Appendix 2.
- 5.20 Consultation was made with the Councillors for the surrounding wards and other interested groups in August 2004. A map of the paths to be included in the research was sent and all parties were invited to add any paths which they felt to be missing and to comment on the ones to be included. The map included all of the paths classified as routine on the list shown at Appendix 2. A 10 week consultation period was given.
- 5.21 The Councillors for Weston were sent another map and list in December 2004 following the end of the consultation period with the interested user groups, the adjacent property holders and the general public. The map and list showed the paths to be put forward to the Regulatory (Access) Committee for inclusion on the Definitive Map and Statement for the City of Bath. It also showed those not to be included at this time along with the reasons for non-inclusion.

Adjacent Property Holders

- 5.22 Consultation was made with all property holders living adjacent to the public rights of way being researched. The property holders were invited to complete a Public Rights of Way Evidence Form and to mark any sections of the path they used on the map attached. The information received can help ascertain the reputation of the route.

The General Public

- 5.23 An exhibition was held in Weston Library from 22nd June to 10th July 2004 to display information about the project along with a map of the public rights of way to be included in the project. The public were invited to comment on the map.
- 5.24 At least one consultation notice was placed on each path, inviting the general public to write in with their comments within a response time of two months. The notices were checked regularly and replaced if necessary. The dates on which the notices were checked can be found as a background paper.

Evidence of use of the path

Ward Councillors and Interested Groups

- 5.25 The responses given by the Councillors for Weston, the Councillors for the surrounding wards and the interested groups consulted are shown at Appendix 3. No additional paths were added as a result of consulting these groups.

Adjacent Property Holders

- 5.26 The evidence collected includes 108 signed Public Rights of Way Evidence Forms concerning 19 of the paths included in this project. Of these, 102 of the respondents had used the path they were consulted on. A précis of the information given on the forms is available as a background paper.

The General Public

- 5.27 No comments were received as a result of the library exhibition.
- 5.28 A summary of the responses to the notices posted on each path is available as a background paper. Thirty two responses were received about 14 paths.

Documentary Evidence

- 5.29 Apart from the 1957 Survey and the Section 36(6) Highways Act 1980 List of Streets, other documentary sources researched include:

Ordnance Survey Maps

- 5.30 The following documents were researched:

Map 1	Ordnance Survey 10'6" (1:500) scale map, dated 1882-1885
Map 2	Ordnance Survey 25" scale map, sheet 7-16 dated 1903 (2 nd Edition)
Map 3	Ordnance Survey 25" scale map, sheet 7-16 dated 1930
Map 4	Ordnance Survey 25" scale map, sheet 13-4 published 1888
Map 5	Ordnance Survey 25" scale map, sheet 13-4 revised 1902
Map 6	Ordnance Survey 25" scale map, sheet 13-4 revised 1930

Map 7	Ordnance Survey 25" scale map, sheet 14-1 revised 1902
Map 8	Ordnance Survey 25" scale map, sheet 14-1 revised 1930
Map 9	Ordnance Survey 25" scale map, sheet 14-1 dated 1939
Map 10	Bath City Engineer's Survey, 1957
Map 11	Ordnance Survey 1:1250 scale map, sheet ST 7267 SE Revised 1965
Map 12	Ordnance Survey 1:1250 scale map, sheet ST 7266 NE Revised 1966
Map 13	Ordnance Survey 1:1250 scale map, sheet ST 7266 SE Revised 1966
Map 14	Ordnance Survey 1:1250 scale map, sheet ST 7366 SW Revised 1960
Map 15	Ordnance Survey 1:1250 scale map, sheet ST 7466 SW Revised 1963

A summary of the historical evidence for each path is shown at Appendix 4.

Weston Tithe Map (1846)

5.31 Published by J.H. Cotterell - no public rights of way are shown on the map or mentioned in the apportionment.

Assessing the Evidence

5.32 The council has collected both user and documentary evidence concerning each of the paths. Taken together, it is possible to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 provided the relevant tests are met.

5.33 The Regulatory Committee has to decide what it considers are the correct facts and on the basis of those facts, whether, on the balance of probabilities, dedication of the path as a public footpath has been established.

5.34 Evidence has been collected from the general public and also from adjacent property holders to ascertain the nature of the use of the path and its reputation. It has not been possible to collect significant volumes of user evidence but all of the paths appear to be well used by the public. The information gathered will not be used as user evidence, but as information regarding the local reputation of the path.

Widths

5.35 The widths of the paths have been determined by what appears to have been used by the public and by reference to historic maps. Where the paths are on adopted highway, we are seeking to record the public right of way across the whole width of the adopted section. Where there is no clear indication of the width used by the public, a standard width of 1.8m will be used.

5.36

to

5.56 Summary sheet of evidence for each path

5.36 Summary of Evidence for Path AQ104 – Refer to the path shown as A-B at Appendix 1, AQ104

1. Landowner

The land is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Comments from adjacent property holders

Two responses were received. Both used the path on foot and believed it to be a footpath. The length of path usage was 8 and 16 years.

The frequency of use was approximately 250 times a year and 'lots' of times a year.

Comments from the general public (in response to notices posted on site)

- *'I have lived on the Estate for over 40 years and this path has always been used by most of the people living at Greenacres, as well as walkers.'*
- *'It gives an alternative way home avoiding walking along the main road.'*
- *'I wish to express my belief that as the paths (AQ104 and AQ569) have been recognised as Public Rights of Way for so long this should continue.'*

3. Documentary Evidence

OS Maps: 1903, 1930, 1965 maps.

Bath City Engineer's Survey, 1957: The path is described as 'FP across field to N. side of estate'. 'FP Lansdown Lane to Greenacres Estate'.

List of Streets: Adopted Highway.
Previous Orders Made: None.

4. Surface Condition

The steps are concrete and the surface of the path is tarmac. It is in a good condition.



5. Decision

The path appears on OS Maps, at least as early as 1903. It was included on the 1957 City Engineer's Survey and is on the List of Streets.

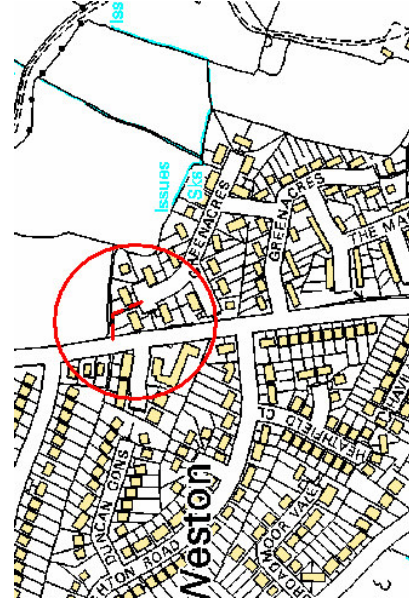
Few responses were received regarding use of the path but this does not mean that the path is not well used by the public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ104 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ104
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.1m - 1.45m, as shown shaded on the Order Plan

Length: Approximately 54 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Lansdown Lane	ST 7253 6735	SE	Greenacres	ST 7257 6732

General Description:

The path starts on Lansdown Lane. There is a short flight of steps up to a tarmac path. The path continues between two fences and finishes between 57 and 58 Greenacres.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 27/05/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Steps	ST 7253 6735	1.25m - 1.45m

5.37 Summary of Evidence for Path AQ165 – Refer to the path shown as A-B at Appendix 1, AQ165

1. Landowner

The majority of the land is not registered under the Land Registration Act and Rules. A small section of the land is owned by:

1. JR & KM Slater of 22 Cranwells Park, Bath, BA1 2YD.
2. AWJ & KP Simpson of 21 Cranwells Park, Bath, BA1 2YD.

Neither landowner indicated that they would object to an Order being made.

2. Evidence of use of the path

Comments from adjacent property holders

Five responses were received, although only 4 respondents had used the path. All respondents used the path on foot and believed it to be a footpath. Length of path usage ranged from 3 years to 33 years. The frequency ranged from at least 20 times per year to daily.

One respondent remembered being given a plan of the estate showing the paths when they bought the house. This path was included on the plan. Another makes the comment of *'regular usage, apparently for 40+ years'*.

Comments from the general public (in response to notices posted on site)

- *'I have used this footpath for over 20 years since 1983. No one has ever objected to my use of the path and the surface has been maintained from time to time'*.

- *'...we use the above rights of way as routes to Weston Lane and return for the school run'*.
- *The family used the path at least twice a week for about 10 years from 1966. 'Now as a retired couple we frequently use the path'*.

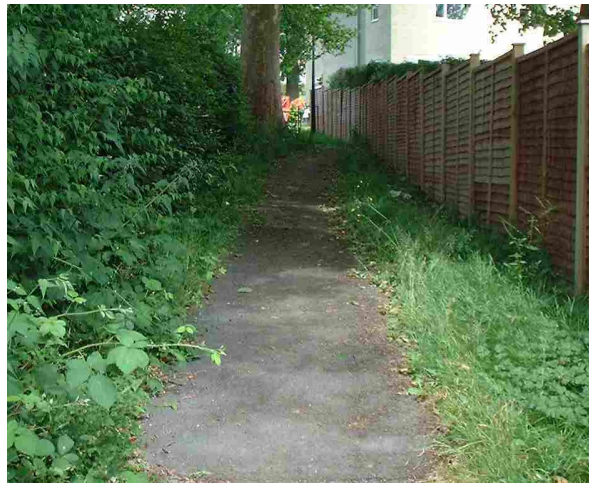
3. Documentary Evidence

OS Maps: Not shown on any of the maps checked.

Bath City Engineer's Survey: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.



4. Surface Condition

The surface of the path is tarmac. In some places the tarmac has been renewed but in others potholes are forming.

5. Decision

The path does not appear on the OS Maps checked. However, it was included on the 1957 City Engineer's Survey and is on the List of Streets.

It appears to be well used by the general public and by people living in the area.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ165 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ165 **Status:** Footpath **Length:** Approximately 126 m
Ward / Parish: Weston **Width:** Varies between 1.3m - 5.7m, as shown shaded on the Order Plan

Description of Route			
From		To	
County Road or Right of Way	Grid Ref:	County Road or Right of Way	Grid Ref:
Weston Park East	ST 7355 6599	Cranwells Park	ST 7364 6597
General Direction		E	

General Description:

The path starts on Weston Park East, between Hillstead and Larchcombe. It continues to Cranwells Park where it ends between numbers 21 and 22.

Non Conclusive Evidence		Conclusive Evidential Provisions	
Survey Date:	Conditions and Limitations	Position	Width
Survey Date: 10/06/2004 Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Staggered Barriers	ST 7363 6597	1.6m

5.38 Summary of Evidence for Path AQ172 – Refer to the path shown as A-B at Appendix 1, AQ172

1. Landowner

Somer Community Housing Trust.

2. Evidence of use of the path

Comments from the general public (in response to notices posted on site)

None received.

Comments from adjacent property holders

Six responses were received, although only 5 respondents had used the path. All respondents used the path on foot and believed it to be a footpath. Length of path usage ranged from 2 years to 55 years. The frequency ranged from 150 times per year to over 600 a year.

3. Documentary Evidence

OS Maps: Not shown on any of the maps checked.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

4. Surface Condition

The surface of the path is tarmac. It is generally in a good condition although there are some uneven patches.

5. Decision

The path is included on the List of Streets as being Highways maintainable.

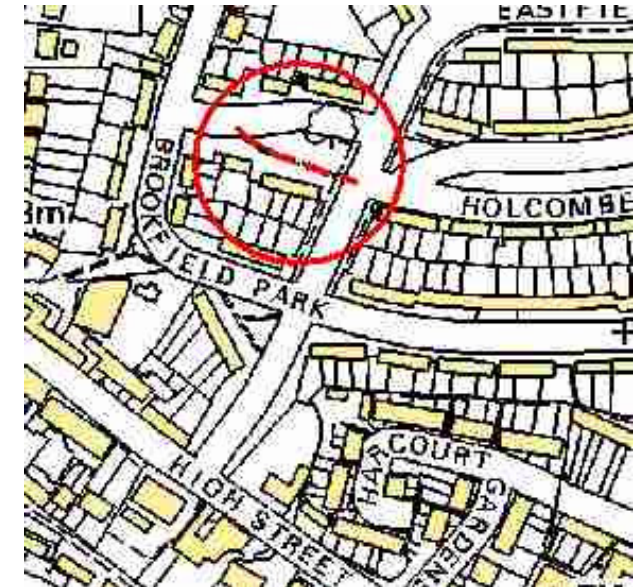
It appears to be well used by people living in the area. No responses were received from

the general public but this does not mean that the public does not use this path.



The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ172 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

PART II

Modification of Definitive Statement

Path Number: AQ172
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.8m - 2.1m, as shown shaded on the Order Plan

Length: Approximately 66 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Holcombe Green	ST 7270 6673	SE	Eastfield Avenue	ST 7275 6671

General Description:

The path starts on Holcombe Green and passes numbers 64 - 59 Holcombe Green. It finishes on Eastfield Avenue.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 27/05/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.			

5.39 Summary of Evidence for Path AQ305 – Refer to the path shown as A-B at Appendix 1, AQ305

1. Landowner

The land is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Comments from adjacent property holders

Two responses were received. Both respondents used the path on foot and believed it to be a footpath. Length of path usage was 9 years by one user and not disclosed by the other. The frequency was daily by one user and not disclosed by the other.

Comments from the general public (in response to notices posted on site)

None received.

3. Documentary Evidence

OS Maps: The path is shown on the 1966 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

4. Surface Condition

The surface of the path is tarmac. It is in a good condition.

5. Decision

The path is included on the List of Streets as being Highways maintainable.

It appears to be used by people living in the area. No responses were received from the

general public but this does not mean that the public does not use this path.

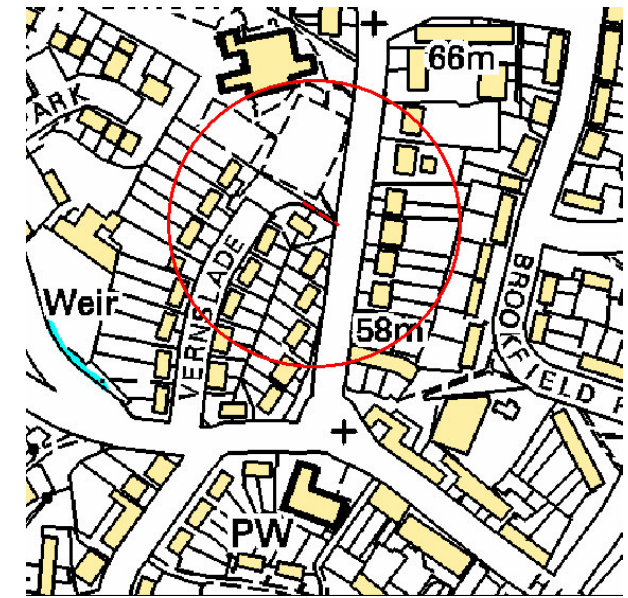


6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ305 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ305
Ward / Parish: Weston

Status: Footpath
Width: 2.0m, as shown shaded on the Order Plan

Length: Approximately 21 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		SE	County Road or Right of Way
Vernslade	ST 7255 6676	Lansdown Lane		ST 7256 6675

General Description:

The path starts outside 16 Vernslade and finishes on Lansdown Lane.

Non Conclusive Evidence	Conclusive Evidential Provisions	
Survey Date: 27/05/2004	Conditions and Limitations	Position
<p>Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005.</p> <p>Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.</p>		

5.40 Summary of Evidence for Path AQ306 – Refer to the path shown as A-B at Appendix 1, AQ306

1. Landowner

Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

Three responses were received. All respondents used the path on foot and believed it to be a footpath. Length of path usage ranged from 1 year to 14 years. The frequency ranged from twice a year to approximately 50 times year.

One respondent commented that it's been a public right of way in his time.

Comments from the general public (in response to notices posted on site)

None received.

3. Documentary Evidence

OS Maps: The path is shown on the 1966 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

4. Surface Condition

The steps are concrete and the path surface is tarmac. It is in a good condition.

5. Decision

The path is on the List of Streets as being Highways maintainable.

It appears to be used by people living in the area.

No responses were received from the general public but this does not mean that the public does not use this path.

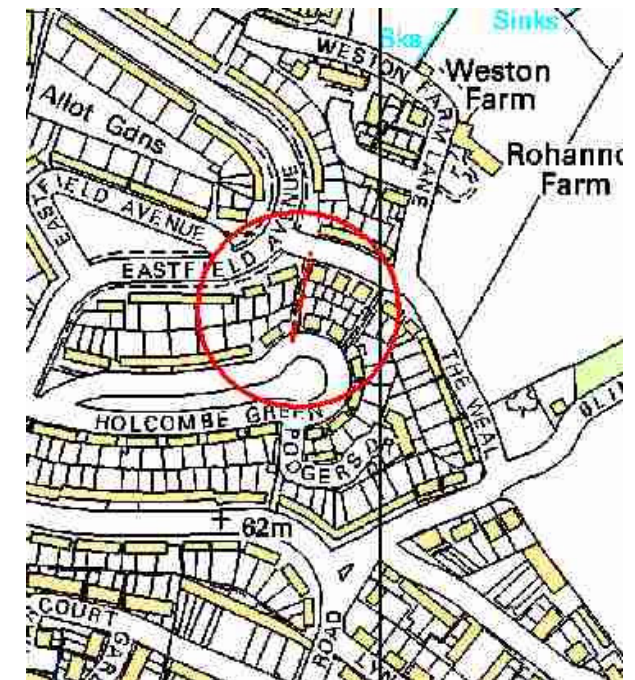


6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ306 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ306
Ward / Parish: Weston

Status: Footpath
Width: Varies between 2.0m - 5.5m, as shown shaded on the Order Plan

Length: Approximately 59 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Holcombe Green	ST 7294 6675	N	The Weal	ST 7295 6681

General Description:

The path starts between 18 Holcombe Green and 1 Holcombe Terrace. It goes up concrete steps and along a tarmac path to where it finishes on The Weal, between 1 Weal Terrace and 27 Eastfield Avenue.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 27/05/2004	Conditions and Limitations Steps and Handrail	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.		ST 7294 6675	2.1m - 2.7m

5.41 Summary of Evidence for Path AQ307 – Refer to the path shown as A-B at Appendix 1, AQ307

1. Landowner

Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

Two responses were received. Both respondents used the path on foot and believed it to be a footpath. Length of path usage was given as 55 years and 'all the time'. The frequency was given as 'continuous use' to 'all the time'.

- 'the path was built for the estate'.
- 'it has always been a public footpath'.

Comments from the general public (in response to notices posted on site)

None received.

3. Documentary Evidence

OS Maps: 1888, 1902, 1930 maps - A footpath follows a north-south line from Weston Farm Lane to Trafalgar Road. This is slightly to the east of the present day path. The path is shown on the 1966 map in its current position.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

4. Surface Condition

The steps are concrete and the path surface is tarmac. It is in a good condition.



5. Decision

The path appears on OS Maps, at least as early as 1966 in its current position. A path to the east of the current line exists on maps at least as early as 1888. AQ307 was built during the development of the housing estate.

No evidence has been discovered to show that the path was built to provide an alternative right of way to the one shown on earlier maps and subsequently built over. However, it is a possibility.

The path is on the List of Streets as being Highways maintainable.

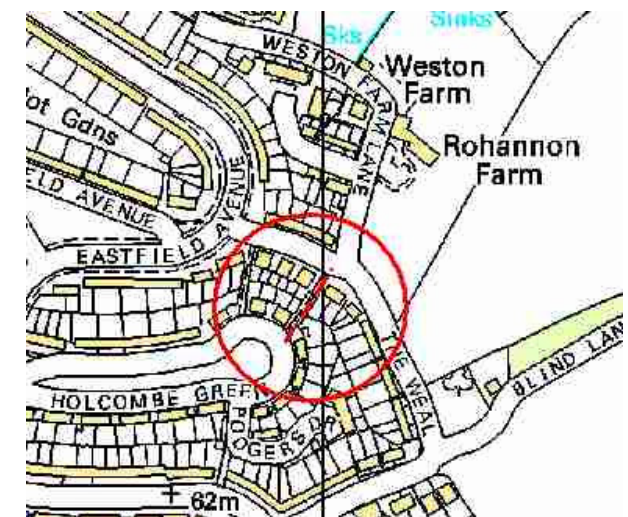
It appears to be used by people living in the area. No responses were received from the general public but this does not mean that the public does not use this path.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ307 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ307
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.8m - 2.7m, as shown shaded on the Order Plan

Length: Approximately 59 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Holcombe Green	ST 7297 6674	NE	The Weal	ST 7300 6671

General Description:

The path starts between 4 Holcombe Terrace and 20 Holcombe Green . It goes up concrete steps and along a tarmac path to where it finishes on The Weal, between 2 The Weal and 6 Weal Terrace.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 27/05/2004	Conditions and Limitations Steps and Handrail	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.		ST 7297 6674	2.1m - 2.5m

5.42 Summary of Evidence for Paths AQ308 & CQ20 – Refer to the path shown as A-C at Appendix 1, AQ308 & CQ20

1. Landowner

Part of the land is owned by Somer Community Housing Trust. The rest of the land is not registered under the Land Registration Act and Rules. However, adjoining properties enjoy some private rights across the land.

2. Evidence of use of the path

Comments from adjacent property holders

Five responses were received. All respondents used the path on foot and two also used a vehicle. Three respondents believed it to be a footpath, 1 a bridleway and 1 didn't specify. Length of path usage ranged from 3 years to 42 years. The frequency ranged from occasionally to continuous use.

- *'It's constantly in use by the public.'*

Comments from the general public (in response to notices posted on site)

- *'I have used this foot-path for the last 27 years, 4 times daily and I would like this to be taken into account when the Definitive Map is drawn up.'*
- *'Having walked this pathway for well over 50 years we would not like to see it closed, we would like to see it added to any future definitive map.'*
- *'I can confirm that a public footpath right of way does exist over this land. Reference to this is made in deeds relating to the adjoining properties, which we own.'*



3. Documentary Evidence

OS Maps: 1882/1885, 1888, 1902, 1930 and 1966 maps - A path is shown with solid lines in close proximity to its current position. The path is shown on the 1966 map in its current position.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Part Adopted Highway (AQ308), part unadopted (CQ20).

Previous Orders Made: None.

1946 Aerial Survey: The paths can be seen on the ground.

4. Surface Condition

The surface of the path is tarmac. In some places vegetation is growing through.

5. Decision

The paths appear on OS Maps, at least as early as 1882/1885. AQ308 is on the List of Streets as being Highways maintainable. The path appears to be well used by the general public and by people living in the area. CQ20 is the extension of AQ308 to meet the highway on High Street. It would not be appropriate to record AQ308 on the Definitive Map and Statement without also recording CQ20.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ308 & CQ20 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ308 & CQ20 **Status:** Footpath **Length:** Approximately 112 m
Ward / Parish: Weston **Width:** Varies between 1.7m - 13.3m, as shown shaded on the Order Plan

Description of Route			
From		To	
County Road or Right of Way	Grid Ref:	County Road or Right of Way	Grid Ref:
Lansdown Lane	ST 7257 6666	Brookfield Park	ST 7265 6669 & ST 7266 6667
General Direction		NE	

General Description:

The path starts on Lansdown Lane and travels in an easterly direction, turning to north easterly. The path continues to a green, where it splits into two spurs, both finishing on Brookfield Park.

Non Conclusive Evidence	Conclusive Evidential Provisions	
Survey Date: 27/05/2004	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Bollard ST 7261 6666	2.2m

5.43 Summary of Evidence for Path AQ309 (Including AQ551, AQ553, AQ554, AQ558) – Refer to the paths shown as A-M at Appendix 1, AQ309, AQ551, AQ553, AQ554, AQ558

1. Landowner

Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

Twenty five responses were received, of these, 21 people used the path. Twenty respondents used the path on foot, 1 also used a bicycle and 2 also used a vehicle; 1 didn't specify. Seventeen respondents believed the path to be a footpath, 2 believed it to be a footpath / bridleway, 1 believed it to be a BOAT and one didn't specify.

Use of the path ranged from 7 months to 54 years. The frequency ranged from 2-3 times per year to daily.

- *'It has been a public footpath since the estate was built'*
- *'Council laid the footpath'*

Comments from the general public (in response to notices posted on site)

- *'The path is used as access to the High Street by myself and my girlfriend as well as lots of other people on the estate very frequently...'*

3. Documentary Evidence

OS Maps: 1882/1885, 1888, 1902 and 1930 maps - A path is shown continuing to the High Street on roughly the same alignment as

AQ558. The whole path is shown in its current position on the 1966 map.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

1946 Aerial Survey: AQ558 can be seen on the ground.

4. Surface Condition

The path surface is tarmac and concrete and is generally in a good condition. The steps are concrete.



5. Decision

AQ558 appears on OS Maps, at least as early as 1882/1885. All sections are on the List of Streets as Highways maintainable.

It appears to be used by people living in the area. Few responses were received from the general public but this does not mean that the public does not use this path.

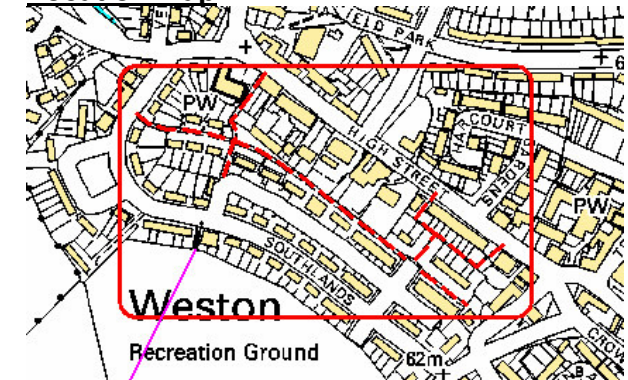


6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ309 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ309
Ward / Parish: Weston

Status: Footpath
Width: Varies between 3.0m - 5.4m, as shown shaded on the Order Plan

Length: Approximately 285 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Southlands	ST 7247 6658	SE	Southlands	ST 7271 6645

General Description:

The path starts between 140 and 162 Southlands. It continues along a tarmac path to where it ends between 99 and 125 Southlands.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.			

PART II

Modification of Definitive Statement

Path Number: AQ551
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.1m - 2.0m, as shown shaded on the Order Plan

Length: Approximately 109 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Southlands	ST 7272 6644	NE	High Street	ST 7280 6646

General Description:

The path starts on Southlands. It goes down some steps and turns left. It follows the path and turns to the left, going down steps to where it meets the High Street between Knightstone Place and Brookside House.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Steps and handrail Steps and handrail Steps	ST 7273 6650 ST 7273 6646 ST 7279 6644	1.2m - 1.3m 1.1m - 1.3m 1.6m

PART II

Modification of Definitive Statement

Path Number: AQ553 **Status:** Footpath **Length:** Approximately 51 m
Ward / Parish: Weston **Width:** Approximately 3m, as shown shaded on the Order Plan

Description of Route			
From		To	
County Road or Right of Way	Grid Ref:	County Road or Right of Way	Grid Ref:
Southlands	ST 7273 6643	Southlands	ST 7277 6640
		General Direction	
		SE	

General Description:
The path begins outside 101 Southlands and ends outside 111 Southlands.

Non Conclusive Evidence	Conclusive Evidential Provisions	
Survey Date: 24/06/2004	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.		

PART II

Modification of Definitive Statement

Path Number: AQ554
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.1m - 1.9m, as shown shaded on the Order Plan

Length: Approximately 54 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
High Street	ST 7274 6651	S	AQ551	ST 7274 6647

General Description:

The path starts between the Public Conveniences and Brookside House. It continues up the slope and turns to the left before finishing behind 14 Brookside House where it meets AQ551.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.			

PART II

Modification of Definitive Statement

Path Number: AQ558
Ward / Parish: Weston

Status: Footpath
Width: Varies between 3.1m - 4.1m, as shown shaded on the Order Plan

Length: Approximately 107 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
High Street	ST 7258 6662	S	Southlands	ST 7255 6652

General Description:

The path starts between 83 High Street and Weston Free Church and follows the path up the slope, across AQ309 and finishing on Southlands.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/06/2004	Conditions and Limitations Bollard & Staggered Barriers	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.		ST 7257 6660	4.1m

5.44 Summary of Evidence for Path AQ310 – Refer to the path shown as A-B at Appendix 1, AQ310

1. Landowner

Bath and North East Somerset Council.

2. Evidence of use of the path

Comments from adjacent property holders

None received.

Comments from the general public (in response to notices posted on site)

None received.

3. Documentary Evidence

OS Maps: 1882/1885, 1888, 1902 and 1930 maps - A path is shown on this map just to the west of the current path. It continues to the High Street. AQ310 is shown on the 1966 map in its current position.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

1946 Aerial Survey: The path can be seen on the ground.

4. Surface Condition

The surface of the path is concrete. It is in a good condition.

5. Decision

The path appears on OS Maps, at least as early as 1882/1885. AQ310 is on the List of Streets as being Highways maintainable.

No evidence was received regarding use of the path but this does not mean that the path is not well used by the public. AQ310 links the path that crosses Weston Recreation Ground (AQ102) to Southlands.

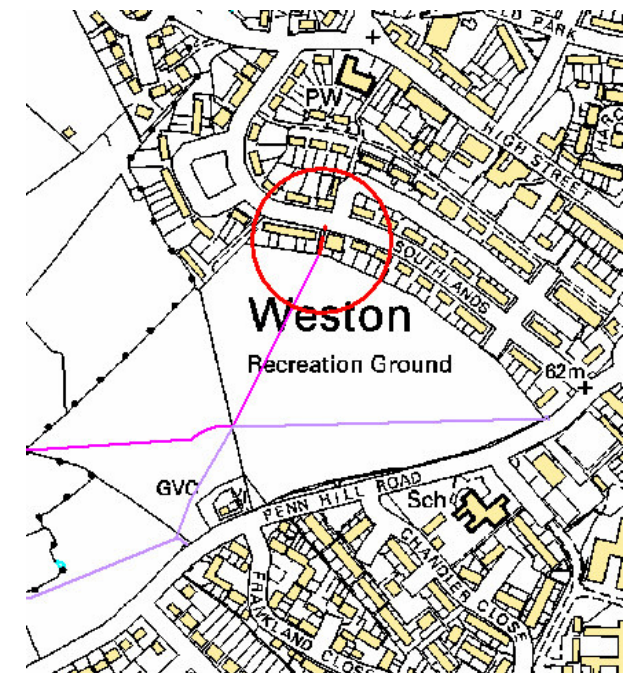


6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ310 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ310
Ward / Parish: Weston

Status: Footpath
Width: Varies between 2.5m - 4.1m, as shown shaded on the Order Plan

Length: Approximately 25 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
AQ102	ST 7252 6648	N	Southlands	ST 7252 6645

General Description:

The path starts on AQ102 at a set of barriers. It continues north to where it finishes between 60 - 62 Southlands.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Barriers	ST 7252 6648	2.5m

5.45 Summary of Evidence for Paths AQ313 & CQ19 – Refer to the paths shown as A-I at Appendix 1, AQ313 & CQ19

1. Landowner

Part of the land is owned by Somer Community Housing Trust. The other part is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Comments from adjacent property holders
Seven responses were received. All respondents used the path on foot and one used it on bicycle. Five respondents believed the path to be a footpath, 1 believed it to be a bridleway and one didn't specify.

The length of path usage ranged from 2 years to 39 years. The frequency ranged from 50-100 times per year to 1000's of times per year.

- *'There aren't any prohibitive signs'.*
- *'This path leads into Church Road which is a right of way'.*
- *'It is a tarmac path, obviously to be walked on'. 'There are many dog walkers in this area so the paths all seem to be walked frequently'.*

Comments from the general public (in response to notices posted on site)

None received.

3. Documentary Evidence

OS Maps: Not shown on any of the maps checked.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Part Adopted Highway

(AQ313), part unadopted (CQ19).

Previous Orders Made: None.



4. Surface Condition

The surface of the adopted section of the path is tarmac and is in a good condition. Along the unadopted section, vegetation is growing through the tarmac in some places.

5. Decision

AQ313 is on the List of Streets as being Highways maintainable. CQ19 is an extension of part of AQ313.

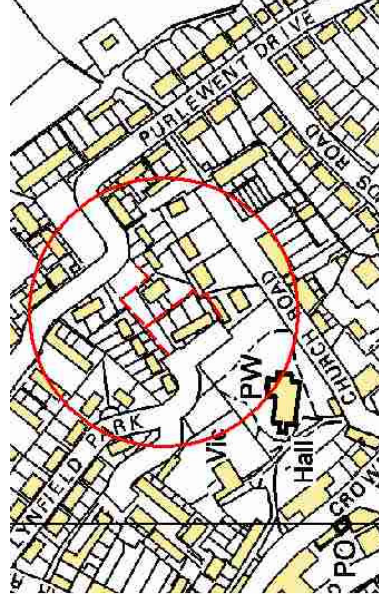
The path appears to be well used by people living in the area. No responses were received from the general public but this does not mean that the public does not use this path.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ313 & CQ19 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that these paths are recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ313
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.5m - 1.7m, as shown shaded on the Order Plan

Length: Approximately 98 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Lynfield Park	ST 7312 6643	NE	CQ19 and Purlewent Drive	ST 7318 6645 & ST7318 6645

General Description:

The path starts outside of 35 Lynfield Park and continues north easterly to a point opposite 89 Purlewent Drive. It then turns south easterly in front of the row of houses, before turning north easterly and finishing outside 81 Purlewent Drive.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 25/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.			

PART II

Modification of Definitive Statement

Path Number: CQ19
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.4m - 1.5m, as shown shaded on the Order Plan

Length: Approximately 68 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
AQ313	ST 7314 6644	S	Lynfield Park	ST 7314 6639

General Description:

The path starts between 89 Purlewent Drive and 47 Lynfield Park on AQ313. It passes in a south easterly direction behind the houses, following the path round to where it emerges between garages and 57 Lynfield Park.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 25/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.			

5.46 Summary of Evidence for Path AQ340 – Refer to the path shown as A-B at Appendix 1, AQ340

1. Landowner

The land is not registered under the Land Registration Act and Rules.

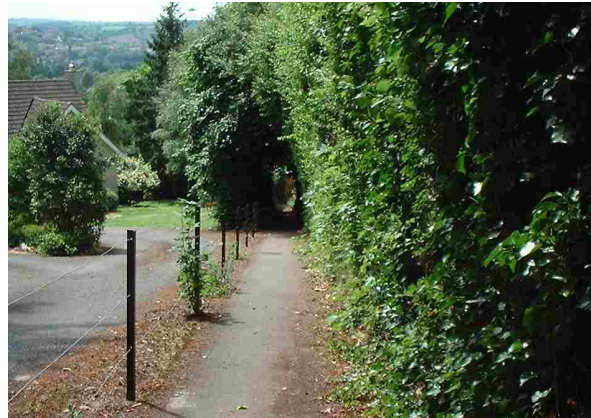
2. Evidence of use of the path

Comments from adjacent property holders

Seven responses were received. All respondents used the path on foot and believed it to be a footpath. Length of path usage ranged from less than one year to 38 years. The frequency ranged from 12 times per year to daily.

Comments from the general public (in response to notices posted on site)

- *'...forms an important local footpath connection between Lansdown and residential areas in Weston Park. This particular path forms one of a few linkages for pedestrian movement between these areas'*
- *'...these paths are used extensively by residents of Cranwells Park, and if they were closed it would be a disaster for all of us... I have known this area since Cranwells Park houses were built and they have always been part of the landscape'*
- *'Local children use it as access to schools, and students to the college. It also gives access to the Cotswold Way. It enables residents of the Sion Hill area to access Victoria Park and the centre of Bath by foot'*



3. Documentary Evidence

OS Maps: Not shown on any of the maps checked.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

4. Surface Condition

The surface of the path is tarmac. It is in a good condition.

5. Decision

The path is included on the List of Streets as being Highways maintainable.

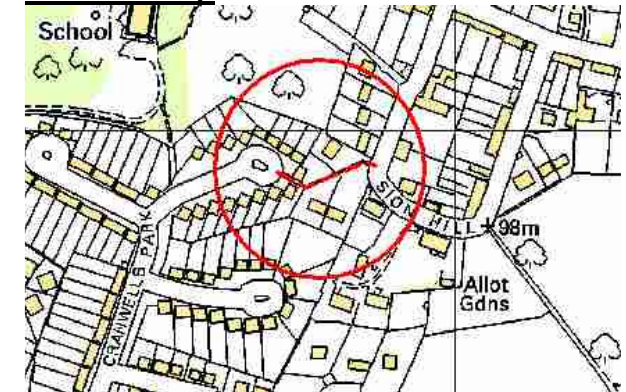
The path appears to be well used by the general public and by people living in the area.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ340 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ340
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.4m – 2.2m, as shown shaded on the Order Plan

Length: Approximately 91 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Cranwells Park	ST 7385 6596	E	Sion Hill	ST 7393 6597

General Description:

The path starts on Cranwells Park, between numbers 40 and 41. It continues up hill to where it joins Sion Hill.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 10/06/2004	Conditions and Limitations Staggered Barriers	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.		ST 7392 6597	1.6m

5.47 Summary of Evidence for Path AQ559 (part of AQ16) – Refer to the path shown as A-B at Appendix 1, AQ559

1. Landowner

Part of the land is owned by Bath and North East Somerset Council. The rest is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Comments from adjacent property holders

One response received. The respondent used the path on foot and believed it to be a footpath. The length of path usage was 11 years and the frequency was daily. The respondent stated that the path is a 'direct walking route from house to all amenities'.

Comments from the general public (in response to notices posted on site)

- *'I have lived here for over 20 years and have always been under the impression that they are definite rights of way. I know that all of them are very much used and I believe that when the development was built, they had to be preserved.'*

3. Documentary Evidence

OS Maps: 1888, 1902, 1930 and 1966 maps

– During the development of Greenbank Gardens and Crown Road, the path was diverted from its original route. These maps show the route taken before the development, ending on open space.

Bath City Engineer's Survey, 1957: The whole path is described as 'Through lane, rear of hospital – through K.G. then stile on to High St. and branch to High St. at junction

with Manor Road'. 'FP Newbridge Hill to

Weston High Street'.

List of Streets: Not included.

Previous Orders Made: Order made 14th September 1964 under TCPA 1962 s153 (No 2) 1964 on path AQ16. No record of confirmation.



4. Surface Condition

The steps are concrete and the surface of the path is tarmac. It is in a good condition.

5. Decision

The path appears on OS Maps, at least as early as 1888. AQ559 is not on the List of Streets as being Highways maintainable but it appears on the 1957 City Engineer's Survey.

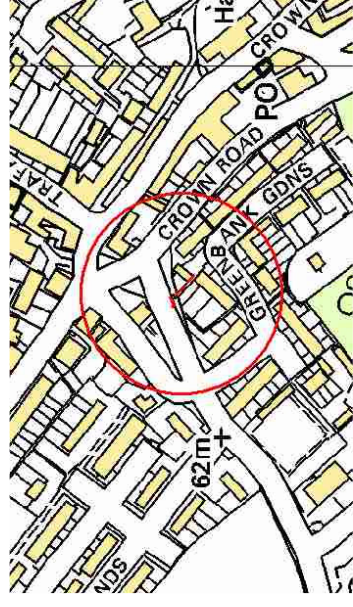
Few responses were received regarding use of the path but this does not mean that the path is not well used by the public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ559 (part of AQ16) is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ559
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.6m – 1.9m, as shown shaded on the Order Plan

Length: Approximately 29 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Anchor Road	ST 7284 6637	SE	Greenbank Gardens	ST 7286 6636

General Description:

The path begins on Anchor Road, goes up a flight of steps and passes alongside 23 Greenbank Gardens where it finishes.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Roadside Barrier and Handrail Steps and Handrail	ST 7284 6637 ST 7284 6637	1.8m 1.8m – 1.9m

5.48 Summary of Evidence for Path AQ560 (part of AQ16) – Refer to the path shown as A-B at Appendix 1, AQ560

1. Landowner

Part of the land is not registered under the Land Registration Act and Rules. The rest is owned by Bath and North East Somerset Council.

2. Evidence of use of the path

Comments from adjacent property holders

None received.

Comments from the general public (in response to notices posted on site)

- *'I have lived here for over 20 years and have always been under the impression that they are definite rights of way. I know that all of them are very much used and I believe that when the development was built, they had to be preserved'.*
- *'When we moved here 40 years ago some old residents in the village told us that this had always been a right of way in living memory'.*
- *The steps (or an older version of the steps) were used by myself and my sister in the 1960s... I am certain the steps form part of a public right of way, which to my personal knowledge has existed for 60 years... I have even heard it claimed that the right of way has been there since Medieval times.*

3. Documentary Evidence

OS Maps: 1888, 1902, 1930 and 1966 maps

- During the development of Greenbank Gardens and Crown Road, the path was

diverted from its original route. These maps show the route taken before the development, ending on open space.

Bath City Engineer's Survey, 1957: The path is described as 'Through lane, rear of hospital – through K.G. then stile on to High St. and branch to High St. at junction with Manor Road'. 'FP Newbridge Hill to Weston High Street'.

List of Streets: Adopted Highway.

Previous Orders Made: Order made 14th September 1964 under TCPA 1962 s153 (No 2) 1964 on path AQ16. No record of confirmation.



4. Surface Condition

The steps are concrete and the surface of the path is tarmac. It is in a good condition.

5. Decision

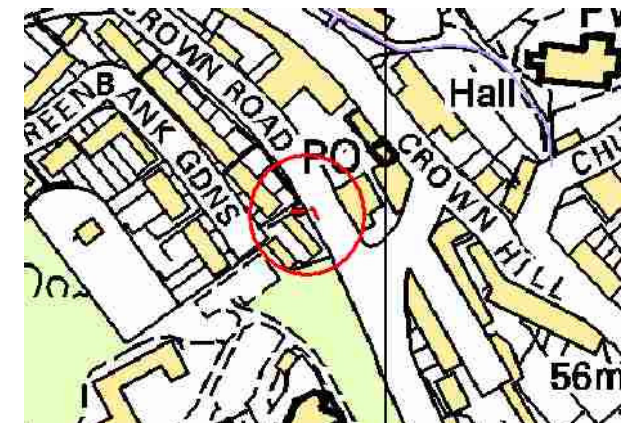
The path appears on OS Maps, at least as early as 1888. AQ560 is on the List of Streets as being Highways maintainable. It also appears on the 1957 City Engineer's Survey. The path appears to be well used by the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ560 (part of AQ16) is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ560
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.8m - 2.3m, as shown shaded on the Order Plan

Length: Approximately 15 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Greenbank Gardens	ST 7296 6629	SE	Crown Road	ST 7297 6628

General Description:

The path begins to the west of 63 Greenbank Gardens. It continues down a flight of steps to where it finishes on Crown Road.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/07/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Steps and Handrail	ST 7296 6629	1.9m - 2.3m

5.49 Summary of Evidence for Path AQ569 (part of AQ104) – Refer to the path shown as A-B at Appendix 1, AQ569

1. Landowner

Part of the land is not registered under the Land Registration Act and Rules. The rest is owned by Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

One response was received. The respondent used the path on foot and believed it to be a footpath. The respondent had used the path for 30 years, approximately 160 times per year.

Comments from the general public (in response to notices posted on site)

- *'I have lived on the Estate for over 40 years and this path has always been used by most of the people living at Greenacres, as well as walkers'.*
- *'The snicket / path that goes from the lower end of Greenacres into Eastfield Road we use at least once a day, sometimes twice'.*
- *'I wish to express my belief that as the paths (AQ104 and AQ569) have been recognised as Public Rights of Way for so long this should continue.'*
- *'They are used regularly by walkers from all the properties higher up the hill and across from Lansdown Lane'.*

3. Documentary Evidence

OS Maps: 1888, 1902, 1930 and 1965 maps - A path which existed before the housing estate development is shown by a pecked

line, starting on Lansdown Road and travelling south easterly (roughly in the direction in which Greenacres now follows). AQ569 is shown on the 1966 map in its current position.

Bath City Engineer's Survey, 1957: The path is described as 'FP across field to N. side of estate'. 'FP Lansdown Lane to Greenacres Estate'.

List of Streets: Not included.

Previous Orders Made: None.

1946 Aerial Survey: The path can be seen on the ground.



4. Surface Condition

The surface of the path is tarmac and it is in a good condition.

5. Decision

The path appears on OS Maps, at least as early as 1888. It was included on the 1957 City Engineer's Survey.

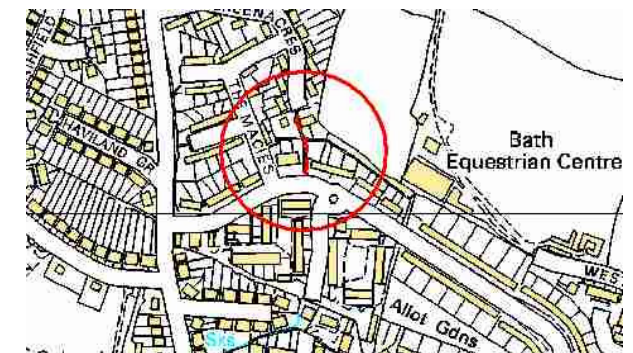
The responsibility for the maintenance of the path was taken on by the Rights of Way Team in 1998 because the line of the path more or less coincided with the line of a right of way, predating the Greenacres estate. It appears to be well used by the general public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about AQ569 (part of AQ104) is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: AQ569
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.3m - 2.2m, as shown shaded on the Order Plan

Length: Approximately 62 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Greenacres	ST 7269 6709	S	Eastfield Avenue	ST7269 6704

General Description:

The path starts between 26 and 27 Greenacres. It continues down the hill to where it emerges between 101 and 103 Eastfield Avenue.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 27/05/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.			

5.50 Summary of Evidence for Paths BQ4, CQ18 & CQ22 – Refer to the path shown as A-B at Appendix 1, BQ4, CQ18 & CQ22

1. Landowner

Bath and North East Somerset Council and Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

Eleven responses were received. Five of the respondents used the path on foot, 5 used the path on foot and by vehicle and 1 used the path by vehicle.

Eight respondents believed the path to be a footpath, 1 believed it to be a bridleway, 1 believed it to be a BOAT and 1 believed it to be a footpath / BOAT.

Length of path usage ranged from 3 months to 30 years. The frequency of use ranged from 4-5 times per year to daily.

Some respondents referred to the building of the garages which obstructed the footpath from 1972 to the redevelopment of the area.

- *'This path has been a public right of way for 30 years to our knowledge. About 10 years ago notices were put up trying to close it off by the Council'.*

Comments from the general public (in response to notices posted on site)

- *'This path is currently mainly used for families and children attending Weston All Saints School and local residents and dog walkers'.*

- *'They are used regularly by walkers from all the properties higher up the hill and across from Lansdown Lane'.*



3. Documentary Evidence

OS Maps: 1882/1885, 1888, 1902, 1930, and 1966 - The paths are shown on these maps.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.

Previous Orders Made: In 1972, garages were built over the footpath. There was no evidence of either a Diversion Order or a Stopping Up Order being sought at the time, although an objection was made regarding the loss of the public right of way.

An application was made on 17th March 1993 by a Housing Association to redevelop the site. To enable development, an Order was made on 10th May 1995 under TCPA s257 1990 by Bath City Council. It was the City of Bath (Eastfield Avenue) Public Path Stopping Up Order 1995.

The Order was not confirmed because an objection was made to the loss of the public right of way. Another solution put forward was to make a Public Path Extinguishment Order under HA s118 1980.

In 1997, it was decided not to go ahead with either Order but to ensure that the Housing Association developing the site retained the footpath. The suggestion was for the path to be at least 2.0 metres wide.

A footpath was incorporated into the site plan and the work at the site was completed in February / March 2004.

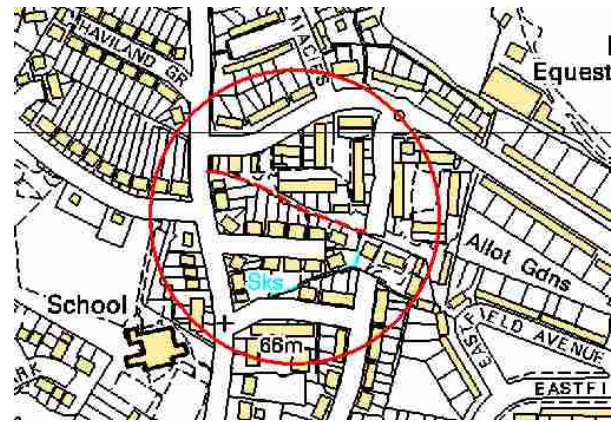
1946 Aerial Survey: The paths can be seen on the ground.

4. Surface Condition

The surface of the path is tarmac and brick paving. It is generally in a good condition.



Location Map



5. Decision

The paths appear on OS Maps, at least as early as 1882/1885. The paths appear to be well used by the general public and by people living in the area.

Although the path was blocked for a number of years by the building of the garage, correspondence on file indicates that there was no dispute that a public right of way existed on the site. When the site was redeveloped, the recommendation from the Public Rights of Way Team was that the path should be reinstated.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about BQ4, CQ18 and CQ22 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that these paths are recorded as public footpaths and added to the Definitive Map and Statement for the City of Bath.

PART II

Modification of Definitive Statement

Path Number: BQ4, CQ18 & CQ22

Status: Footpath

Length: Approximately 136 m

Ward / Parish: Weston

Width: Varies between 1.4m 15.6m, as shown shaded on the Order Plan

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Lansdown Lane	ST 7257 6697	SW	Haviland Park	ST 7269 6692

General Description:

The path starts on Lansdown Lane, outside 1 Broadmoor Park. It continues in a south westerly direction to where it ends on Haviland Park.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 08/09/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Bollard Bollard Staggered Barriers	ST 7257 6697 ST 7259 6697 ST7261 6696	1.6m 1.8m 1.8m

5.51 Summary of Evidence for Path BQ22 – Refer to the path shown as A-B at Appendix 1, BQ22

1. Landowner

The land is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Comments from adjacent property holders

Eleven responses were received. All respondents used the path on foot and two also used a vehicle. Six respondents believed the path to be a footpath, 1 believed it to be a bridleway, 2 believed it to be a BOAT, 1 believed it to be a footpath / BOAT and 1 did not specify.

Length of path usage ranged from 6 years to since the 1950's. The frequency ranged from approximately 12 times per year to countless times.

Comments from the general public (in response to notices posted on site)

None Received.

3. Documentary Evidence

OS Maps: 1882/1885, 1888, 1902, 1930 and 1966 maps - The path is shown in its current position.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.

Previous Orders Made: None.

1946 Aerial Survey: The path can be seen on the ground.

4. Surface Condition

The surface of the path is tarmac. It is in a good condition.



5. Decision

The path appears on OS Maps, at least as early as 1882/1885.

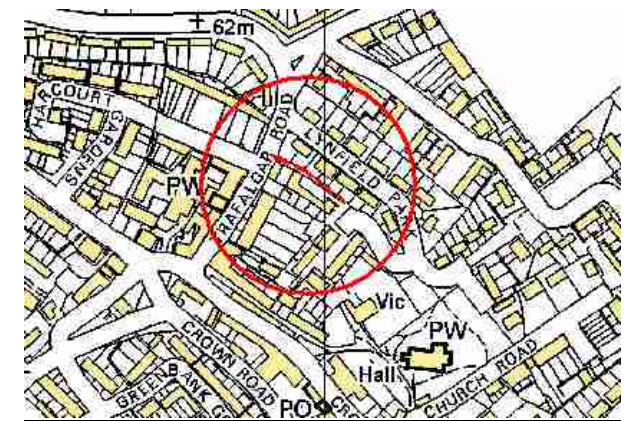
The path appears to be very well used by the adjacent property holders. No evidence was received regarding use of the path by the general public but this does not mean that the path is not well used by the public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about BQ22 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.

Location Map



PART II

Modification of Definitive Statement

Path Number: BQ22

Status: Footpath

Length: Approximately 70 m

Ward / Parish: Weston

Width: Varies between 2.0m - 5.0m, as shown shaded on the Order Plan

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Trafalgar Road	ST 7296 6652	SE	Chelscombe	ST 7302 6648

General Description:

The path starts just north of 10 Trafalgar Road and travels in a south easterly direction to where it ends on Chelscombe, just south of 12 Lynfield Park.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 25/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Bollard	ST 7302 6648	2.0m

5.52 Summary of Evidence for Path BQ25 – Refer to the path shown as A-B at Appendix 1, BQ25

1. Landowner

The land is not registered under the Land Registration Act and Rules.

2. Evidence of use of the path

Comments from adjacent property holders

Five responses were received. All respondents used the path on foot. Four believed the path to be a footpath and 1 did not specify. Use of the path ranged from since July 2003 to 17 years. The frequency ranged from approximately 20 times per year to daily.

Comments from the general public (in response to notices posted on site)

None Received.

3. Documentary Evidence

OS Maps: Not shown on any of the maps checked.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Adopted Highway.

Previous Orders Made: None.

4. Surface Condition

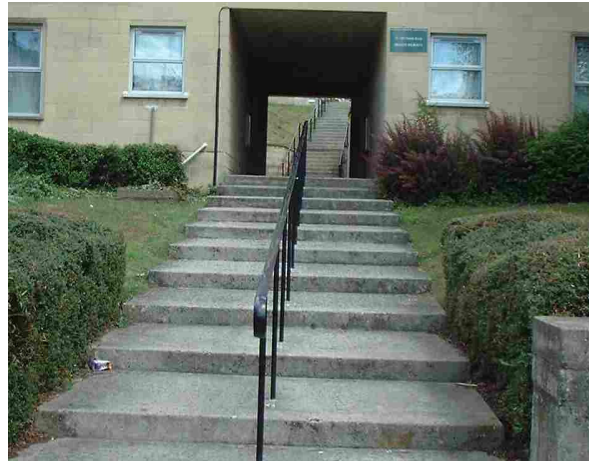
The steps are concrete and the surface of the path is tarmac. It is in a good condition.

5. Decision

The path is included on the List of Streets as being Highways maintainable.

It appears to be well used by people living in the area. No responses were received from

the general public but this does not mean that the public does not use this path.



6. Officer Recommendations

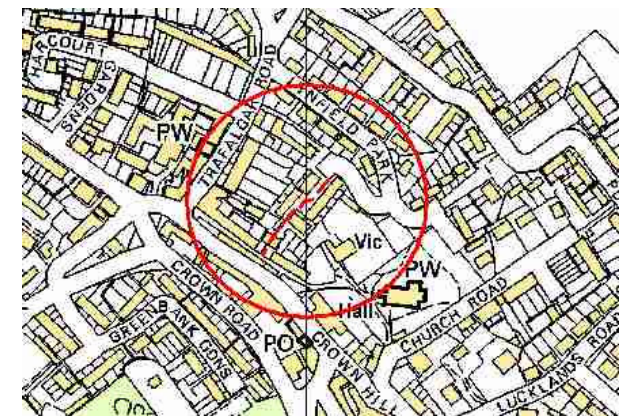
Officers are satisfied that the evidence gathered about BQ25 is sufficient to make an

Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath.



Location Map



PART II

Modification of Definitive Statement

Path Number: BQ25
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.6m - 2.6m, as shown shaded on the Order Plan

Length: Approximately 89 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Church Street	ST 7296 6639	NE	Chelscombe	ST 7302 6645

General Description:

The path starts on Church Street and goes up a flight of steps, between 17 - 20 Church Street and then up another flight of steps where it continues along a tarmac path to where it joins Chelscombe.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 25/06/2004	Conditions and Limitations Steps and Handrail Steps and Handrail	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.		ST 7296 6639 ST 7297 6641	2.5m 2.0m - 2.1m

5.53 Summary of Evidence for Path BQ26 – Refer to the path shown as A-B at Appendix 1, BQ26

1. Landowner

Part of the land is not registered under the Land Registration Act and Rules. The rest is owned by Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

Two responses were received. Both respondents used the path on foot and one specified by vehicle as well. Both respondents believed the path to be a footpath. One had used the path for 6 years, the other did not specify. The frequency was stated as 'most days' and 'daily'.

Comments from the general public (in response to notices posted on site)

- *Both of these paths (BQ26 and AQ2) are extensively used by pedestrians and have provided important access routes for several years. I have used both paths for a long period of time and I feel strongly that they should be incorporated in the Definitive Map.*

3. Documentary Evidence

OS Maps: Not shown on any of the maps checked.

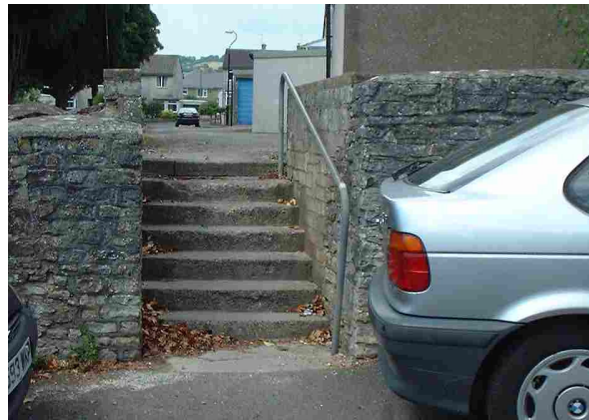
Bath City Engineer's Survey, 1957: Not included.

List of Streets: The verges are adopted highway but the carriageway is not. It is likely that Bath City Council wished to record a public right of way along the route but did not want to record any vehicular rights so the

carriageway was left unshaded on the adopted highway plans.

Previous Orders Made: None.

1946 Aerial Survey: The path can be seen on the ground.



4. Surface Condition

The path surface is tarmac. It is in a good condition.

5. Decision

The path can be seen on the 1946 Aerial Survey. A public right of way has been acknowledged in the List of Streets.

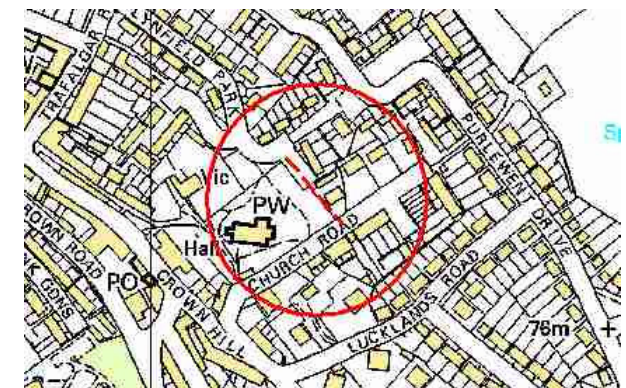
Few responses were received regarding use of the path but this does not mean that the path is not well used by the public.

6. Officer Recommendations

Officers are satisfied that the evidence gathered about BQ26 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that this path is recorded as a public footpath and added to the Definitive Map and Statement for the City of Bath. The public right of way will be recorded along the carriageway, rather than the verge.

Location Map



PART II

Modification of Definitive Statement

Path Number: BQ26
Ward / Parish: Weston

Status: Footpath
Width: Varies between 1.5m - 1.8m, as shown shaded on the Order Plan

Length: Approximately 71 m

Description of Route				
From		General Direction	To	
County Road or Right of Way	Grid Ref:		County Road or Right of Way	Grid Ref:
Lynfield Park	ST 7311 6641	SE	Church Road	ST 7316 6636

General Description:

The path starts on Lynfield Park and continues to a flight of steps and finishes on Church Road, opposite number 31.

Non Conclusive Evidence	Conclusive Evidential Provisions		
Survey Date: 24/06/2004	Conditions and Limitations	Position	Width
Reason for inclusion: Order to be made under s53(3)(c)(i) Wildlife & Countryside Act 1981. Bath and North East Somerset Council, City of Bath Definitive Map and Statement Modification Order (1) 2005. Legal Basis for Making the Order: s53(3)(c)(i) Wildlife and Countryside Act 1981.	Steps and Handrail	ST 7316 6636	1.5m

5.54 Summary of Evidence for Path CQ14 – Refer to the path shown as A-B at Appendix 1, CQ14 & CQ15

1. Landowner

Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

Two responses were received. Both respondents used the path on foot and believed it to be footpath. Use of the path ranged from 2-3 years to 16 years. The frequency ranged from over 3 times per year to more than 300 times per year.

- *'The path was created when the houses were built by the residents to save walking to the bottom of Macies Hill.'*

Comments from the general public (in response to notices posted on site)

- *'We regularly use the two cuts from the main Lansdown Lane into The Macies also, as a short cut and to avoid the lower end of The Macies junction with Eastfield...'*

3. Documentary Evidence

OS Maps: The path is shown on the 1965 map.

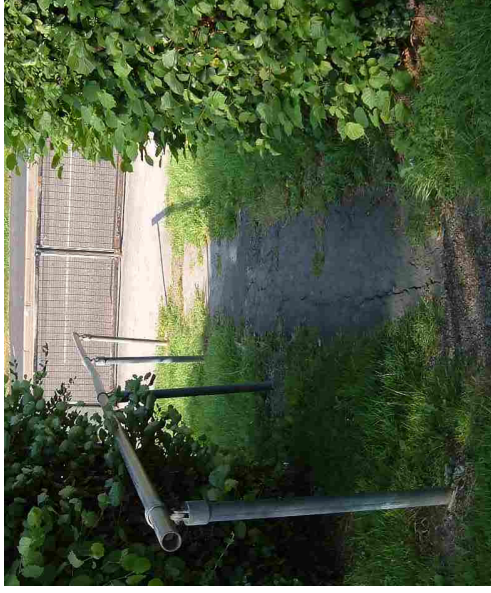
Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.

Previous Orders Made: None.

5. Surface Condition

The path is tarmac. Vegetation is growing through in places.



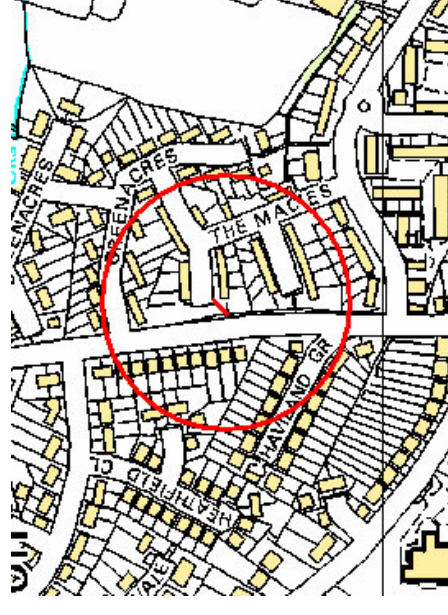
There is insufficient evidence to determine whether or not the path was created for use by the general public or just for those living on the housing estate.

6. Officer Recommendations

Officers are not satisfied that the evidence gathered to date about CQ14 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that a Dedication Agreement is sought with the landowner to record this path before it can be added to the Definitive Map and Statement for the City of Bath.

Location Map



5. Decision

The path appears to have been in existence since the 1960s and was probably created as part of the housing estate development.

5.55 Summary of Evidence for Path CQ15 – Refer to the path shown as C-D at Appendix 1, CQ14 & CQ15

1. Landowner

Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders

Seven responses were received. All respondents used the path on foot and believed it to be a footpath. Use of the path ranged from 3 years to 49 years. The frequency ranged from 36-40 times per year to daily.

- *'This path is vital for our family'.*
- *'If this isn't a public footpath then why have the council put bars at the bottom of the road?'.*

Comments from the general public (in response to notices posted on site)

- *'We regularly use the two cuts from the main Lansdown Lane into The Macies also, as a short cut and to avoid the lower end of The Macies junction with Eastfield...'*

3. Documentary Evidence

OS Maps: The path is shown on the 1965 map.

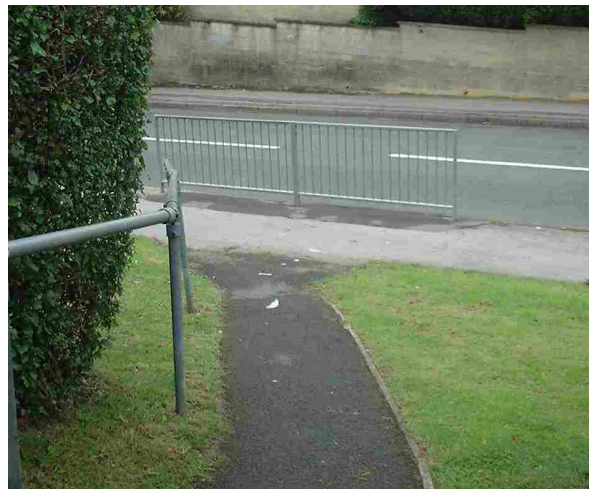
Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.

Previous Orders Made: None.

6. Surface Condition

The path is tarmac. Vegetation is growing through in places.



5. Decision

The path appears to have been in existence since the 1960s and was probably created as part of the housing estate development. There is insufficient evidence to determine whether or not the path was created for use

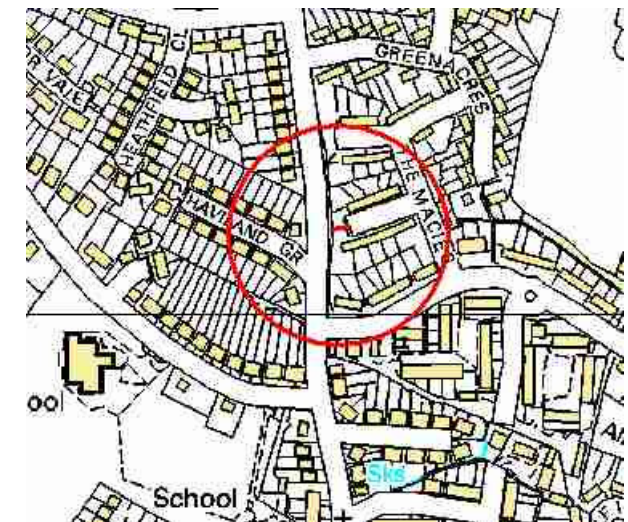
by the general public or just for those living on the housing estate.

6. Officer Recommendations

Officers are not satisfied that the evidence gathered about CQ15 to date is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that a Dedication Agreement is sought with the landowner to record this path before it can be added to the Definitive Map and Statement for the City of Bath.

Location Map



5.56 Summary of Evidence for Path CQ21 – Refer to the path shown as A-B at Appendix 1, CQ21

1. Landowner

Part of the land is not registered under the Land Registration Act and Rules. The rest is owned by Somer Community Housing Trust.

2. Evidence of use of the path

Comments from adjacent property holders
Four responses were received. All respondents used the path on foot and believed it to be a footpath. Length of path usage ranged from 20 years to 53 years. The frequency ranged from daily to approximately 1500 times per year.

Comments from the general public (in response to notices posted on site)
None Received.

3. Documentary Evidence

OS Maps: The path is shown on the 1966 map in its current position.

Bath City Engineer's Survey, 1957: Not included.

List of Streets: Not included.
Previous Orders Made: None.

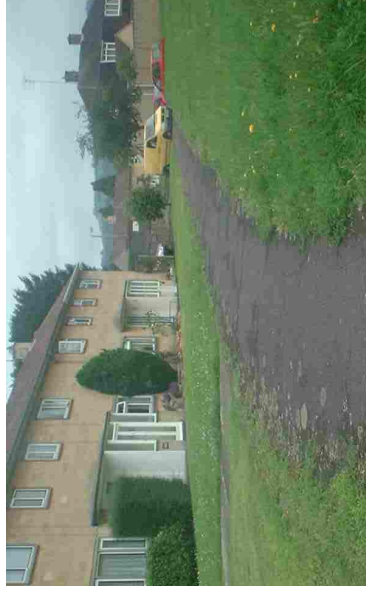
7. Surface Condition

The steps are concrete and the surface of the path is tarmac. It is generally in a good condition but vegetation is growing through in places.

5. Decision

The path appears to have been in existence since the 1960s and was probably created as part of the housing estate development.

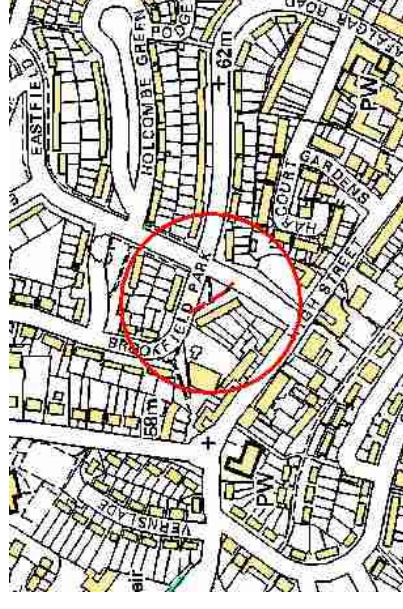
There is insufficient evidence to determine whether or not the path was created for use by the general public or just for those living on the housing estate.



record this path before it can be added to the Definitive Map and Statement for the City of Bath.



Location Map



6. Officer Recommendations

Officers are not satisfied that the evidence gathered to date about CQ21 is sufficient to make an Order under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

The recommendation is that a Dedication Agreement is sought with the landowner to

6 RATIONALE

- 6.1 The surveying authority must make an Order on its own initiative if it discovers evidence which shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist.
- 6.2 After analysis of the submitted evidence, officers are satisfied that the relevant legislation (Wildlife and Countryside Act 1981 section 53(3)(c)(i)) has been met and that an Order should be made for all paths except CQ14, CQ15 and CQ21, for which a Dedication Agreement will be sought.

7 HUMAN RIGHTS IMPLICATIONS

- 7.1 The Human Rights Act incorporates the rights and freedoms set out in the European Convention on Human Rights into UK law. So far as it is possible, all legislation must be interpreted so as to be compatible with the convention.
- 7.2 The Committee is required to consider the application in accordance with the principle of proportionality. The Committee will need to consider the protection of individual rights and the interests of the community at large.
- 7.3 In particular, the convention rights which should be taken into account in relation to this application are Article 1 of the First Protocol (protection of property), Article 6 (the right to a fair hearing) and Article 8 (right to respect for family and private life).

8 OTHER OPTIONS CONSIDERED

- 8.1 Local Authorities are under a statutory duty to consider evidence and make Orders within the provisions of section 53 of the Wildlife & Countryside Act 1981. The Regulatory (Access) Committee is required to make a decision whether or not to make any DMMO.

9 CONSULTATION

Please see sections 5.18 to 5.24 regarding consultations undertaken.

10 CONCLUSIONS

- 10.1 Officers are satisfied that, on the balance of probabilities, the evidence gathered for AQ104, AQ165, AQ172, AQ305, AQ306, AQ307, AQ308 & CQ20, AQ309, AQ551,

AQ553, AQ554, AQ558, AQ310, AQ313, CQ19, AQ340, AQ559 (AQ16), AQ560 (AQ16), AQ569 (AQ104), BQ4, CQ18 & CQ22, BQ22, BQ25 and BQ26 is sufficient to conclude that they should be recorded as public footpaths and that DMMOs should be made to that effect. It may be that higher rights exist, but these have not been proved at this time.

- 10.2 Paths CQ14, CQ15 and CQ21 have only been recorded on maps from the 1960s and later. The decision has been made to seek a Dedication Agreement with Somer Community Housing Trust to record these paths as public footpaths.

Contact person	<i>Jenny King, Bath Definitive Map Project Officer, PROW,</i>
Background papers	<i>Bundle of Public Rights of Way Evidence Forms;</i> <i>Extract from City of Bath Engineer's Map and Statement, 1957;</i> <i>Definitive Map Plan (Working Document);</i> <i>List of Landowners;</i> <i>Schedule of checking notices;</i> <i>Response from the adjacent property holders;</i> <i>Response from the notices;</i> <i>Summary of use chart.</i>